# Moralism K—TOC

## NC

### NC Shell Short

#### The aff’s invocation of moral rhetoric to justify a handgun ban creates an us/them dichotomy—they’ve created a moral boundary between themselves and their opposition

**Klemash 13**

Andrew Klemash (American University). “Morality in Political Rhetoric: Examining the Effects of Moral Language in Debate Using the Contemporary Gun Control Controversy.” Honors Capstone. May 7th, 2013. <http://aladinrc.wrlc.org/bitstream/handle/1961/15042/Klemash,%20Andrew%20-%20Spring%202013.pdf?sequence=1>

Using Moral Rhetoric in Political Debate Heated partisan language is not a new phenomenon in Washington. Yet, in the wake of a tragedy like the fatal mass shooting at Sandy Hook Elementary in Newtown, CT, one might expect the deadlock between sides to subside—if even slightly. However, with the renewed focus on gun control issues in politics, neither the proponents for nor the opponents to more gun control seem willing to budge, and in fact seem to be behaving more stubbornly than ever. A massacre of so many young children at the hands of a heavily armed gunman rallied the sympathies of the nation, but neither side was moved to alter their core position. This deadlock suggests that despite the issue is at hand, the political rhetoric regarding gun control unlikely to change no matter what tragedy occurs. Indeed, on both sides of the debate, the moral language used indicates that moderates and extremists are even more entrenched in their views than ever. The Sandy Hook massacre committed by a young shooter, Adam Lanza, was the latest of a recent spate of prolific tragedies involving gun violence. Due to the unique nature of the tragedy involving such young victims, the gun control debate was powerfully thrust to the forefront of the mind of every political pundit, columnist, blogger, and the general public. Suddenly everyone was rushing to make their political views on the issue known, and in the rush to do so the political rhetoric became flooded by calls to action and of a moral obligation for action. On one side stand those who are lobbying for more gun control: citizens, government officials, celebrities, interest groups, and organizations, whereas on the other side stand those lobbying against more gun control also including citizens, government officials, celebrities, interest groups, and organizations. Both sides were invited to be part of a month-long Vice Presidential commission in the wake of the tragedy, and both sides have the general population’s support. What separates one from the other are their views on what must be done. The question as to whether or not there needs to be more gun control is no doubt significant, yet one of the most interesting aspects of the contemporary debate is the use of moral rhetoric by both sides to support their own views as well as how they employ this language to demoralize the position of their opponents. Starting with the press conference where the results of the month-long commission were announced, the gun control debate has been shrouded in the political rhetoric of morality. There the Vice President said America has a “moral obligation” to act, and President Obama followed by saying that Congress and the government had a responsibility to prevent “evil” acts and furthermore that Americans have an “obligation” to do so in any way possible. While this instance was neither the first nor the most incendiary use of morality in the current gun control debate, the prolific nature of the press conference and the stature of the two men make the language that they did use very weighty. Moreover, invoking morality essentially means that a distinction is being drawn between what is good and what is bad or evil. In other words, moral language serves as a dichotomous political tool for separating the morally “right” camp from the morally “wrong” camp in this debate. Here, the pro-gun control camp argues that they have the moral support of the nation, and this claim is reinforced by their belief that their position is morally superior, while the anti-gun control camp had been thrown on the defensive from the beginning of the debate. Additionally, having been labeled as “bad” morally those opposing additional gun legislation have had to contend with being equated with other groups such as terrorists, criminals, or sexual deviants. The rhetoric regarding gun control has led to comparisons of both sides to Hitler’s Nazi Germany, which is logically absurd, for a critically thinking viewer of this exchange of rhetoric would conclude quite rationally that both sides cannot be acting like the Nazis. For example, prominent politician Mike Huckabee has made the comparison between gun control supporters and ultimate disarmament of the populace, which he claims was a key point of how the Nazi regime was able to come to power.3 In response, articles have been published by proponents of gun control stating that not only is the comparison unfair to them but also that perhaps the opponents of gun control are the ones with views most in line with Hitler’s Nazi Germany, with one article plainly stating “Hitler and pro-gun advocates want the same thing” referring to deregulation policies.4 In the context of this back-and-forth, the rhetoric is becoming increasingly heated, with a popular conservative website stating not only that “Hitler disarmed his domestic enemies before launching a genocide against them” but also that “left-wing blogs have successfully gamed Google’s search engine results so that when people searched for terms such as ‘Nazi gun control’, they were met with a plethora of articles claiming the historical bias for this connection was a fabrication.”5 The absurdity of the fact that both sides seem to be trying to compare the goals of the other to arguably the most evil regime in history is evidence of just how far people will go in their use of moral rhetoric to both demonize the other side and galvanize their own side against the opposition. Although most moral language in political rhetoric is not nearly as extreme as the above, it is significant to recall that while historically recognized as a driving force behind law and used as means to legitimize it, moral language itself rarely finds its way into the text of specific laws. However, the language of rights implies morality, and particularly in America, where rights are enshrined in the Constitution as the highest law of the land, and thus public moral support for the law as a “good” social structure is evidenced simply by observing the legal, executive, and justice systems. To call or imply that an argument is immoral is to imply that the argument is not right, not a right, and not lawful. In the press conference following Sandy Hook, both the President and Vice President used language of morals to describe the future action they desire, thereby creating a moral boundary between their ideas and any opposition. In addition to their moral language, the use of the word “obligation” is an extraordinarily strong language selection, for its use implies that anyone who does not feel they are obligated to act in such a way are not moral (or at least do not have the same morals as the speaker), which creates a “us” and “them” mentality in listeners.

#### The impact is bureaucracy - politicians in gun debates use moral rhetoric as a power grab—this strengthens bureaucracy which produces the worst forms of domination

**Klemash 13**

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As the fluctuation of government approval ratings shows, the trust relationship is not always strong, but when talking about morally contentious issues, the leaders have to present shortened talking points on complicated issues to the public. The laws they are proposing are devoid of moral statements and filled with technical legal jargon, so the practical reason for using the moral political rhetoric is that it is a quick way to present an issue to the public so that they can understand it. The moral language provides the politicians with a way to slant their speech to their target audience so that not only are they creating an “us” versus “them” mentality among debaters but also among the general supporters on both sides. The goal underlying this strategy is that people will agree with a moral side and therefore be less inclined to agree with the side they see as immoral or wrong because they have been given a very simple way to look at an issue as having a “good” side and a “bad” side. If the moral language of political rhetoric was purely a tool to increase support, then it would be indicative of the system that produced it. Additionally, it would then seem that moral language is being used in political rhetoric as a kind of power over the followers. Power relations being a fixture in politics, this idea is not unfathomable. Here the theories of Hannah Arendt (1906-1975) become very relevant to the framework being used to examine moral language in politics. If, despite a history of intertwining of law and morality, there is now an evident and recognized (if only tacitly) divide between the moral political rhetoric employed to bolster support for legislation and the language of law lacking morals, then why continue to use the power of moral language to sway the populace? Why are government officials, talking heads, and other leaders creating the “us” versus “them” mentality in followers, inciting in some instances extreme distaste for the other side in the process? What is at stake for the leaders, the government, that the language of morals is still necessary in political rhetoric? To find an answer to these questions, Arendt’s On Violence provides a necessary link between the language and a potential motivation for using that language.47 Arendt’s work examines the relationship between power and violence, critically examining the role that bureaucracies play regarding both. The critical light which she shines on bureaucratic structures is quite easily applied to the current American political system. Arendt opposes large bureaucracy for the simple reason that she sees it as “the form of government in which everybody is deprived of political freedom, of the power to act; for the rule by Nobody is not no-rule, and where all are equally powerless we have a tyranny without a tyrant.”48 Bureaucracies like the ones employed under the Democrats and Republicans and numerous other interest groups and governmental organizations all are faceless creators of policy that rules the day-to-day lives of citizens. These huge bureaucratic machines have succeeded in overruling the voices of the citizens and the larger a bureaucracy becomes, according to Arendt, the greater chances there will be violence against its control. Government responds to such violence by growing bigger and bigger.49 In the US, centralization of power around the faceless party bureaucracies and their diametrically opposed party lines in relation to contentious issues has caused a monopolization of political power within these bureaucracies. For Arendt, such centralized administrative governance so withdrawn from the personal relationships between the leaders and the followers is a Petri dish for cultivating violence.50 Violence here does not mean gun violence, but it rather indicates for Arendt a more general specter of violent action against the bureaucratic power. As political power is monopolized by the bureaucracies, authentic political sources are removed and power ceases to have a grip on the political system, making it more likely that a violent reaction will occur, either to hold onto the power that remains or to replace it. In addition to a scathing rebuke of bureaucracy as the reason for why government devolves and why violence is likely to occur (this paper shall not go too deeply into this latter claim other than to state that violence is implied in any power relationship), Arendt describes the difference between violence and power and the interplay they can have with each other. Power is basically described as “’qualified’ or ‘institutionalized force’… a kind of mitigated violence”51 which is “the essence of all government … an end in itself” 52 while violence is “by nature instrumental; like all means, it always stands in need of guidance and justification 48 Arendt, 81. 49 Ibid., 85. 50 Ibid., 85. 51 Ibid., 38. 52 Ibid., 51. Klemash 30 through the end it pursues.”53 The relationship between the two is that of opposites, and additionally neither can exist where the other is absolutely present. Finally, violence can destroy power but cannot create it.54 Arendt is attempting to flesh out the motivations people and bureaucracies have for gaining and opposing power. The desire for increased power is a driving force of politics, and Arendt states that there is a devolution evident wherever power structures have become larger and larger. The devolution comes in the form of violence against the power structures, and such violence is often accompanied by powerful rhetoric, with one side labeling another side “anarchists, nihilists, red fascists, Nazis, … Luddite machine smashers, … police state, or latent fascism of late capitalism, and … consumer society.”55 Some of these labels Arendt gathers from the time of her writing are still in use today in political rhetoric along with new designators to demonize the “other” side. For example, President Obama has been called a socialist, Muslim, and a tyrant among other things by his most extreme opponents while the political left has been all too happy to use language of its own such as saying that generally gun owners are out of touch southerners, hillbillies, or scared isolated anti-government radicals, to demonize their opponents. This critical language on both sides fires up the emotions of those who feel marginalized, that is, those who feel like they are so far away from the centralized power structure where they feel they deserve a voice. Far right or left extremists may not find traction regardless of how loudly they shout, but the rhetoric that is thrown at the other side can still have an impact. Rhetoric used in the middle, where true political power does reside in bureaucracies, is much more worthy of attention. 53 Arendt. 51 54 Ibid., 56. 55 Ibid 15 Klemash 31 The rhetoric of the middle segment of the populace between the radical fringes, while containing less wild accusations, is still quite potent and inciting toward the followers of the parties. However, radical speech even containing hints of violent action, whether the violence is physical, punitive, or violence through deprivation, can be a strong political motivator. “Violence has remained mostly a matter of theory and rhetoric where the clash between generations did not coincide with a clash of tangible group interests.”56 While Arendt writes on the student rebellions of her time, the fact that violent rhetoric still exists today is evident in the language surrounding the gun control debate with opponents in particular fearing that there will be a seizure of their guns that will inevitably lead to violence. For example, the Kentucky sheriff who feels the moral obligation to oppose gun control measures says in his statement that he doesn’t want “a bloodbath in our community when they come in to take guns”57 where the ‘they’ is a reference to the faceless government agents who are part of the bureaucracy that would be sent to do the gun control advocates’ bidding. The fact that these fears exist despite there being no confiscation bill on the floor of Congress shows the power that the mere threat of violence can have over the minds of people. Violence in rhetoric can be a strong motivator and tool to use to instill fear. It can instill fear in one’s own side that their way of life is going to be threatened by the other, and it can instill fear in the other side that they are about to be overrun and acted violently against. While no politicians are making explicit physical threats against each other or against the populace supporting the other side, violence in power relations has many forms not just a physical manifestation. There are, of course, the traditional political tools of coercion: threatening funding for various projects or causes; threatening a candidate’s election prospects; threatening to vote for or against certain bills unless, etc. These threats 56 and actions are all forms of coercion, violence, conducted by one side against another, whether it is the two party machines against each other, two interests groups in opposition, or other groups against each other. Violence, as Arendt says, is used to destroy power, to undermine it so that by weakening the opposition one’s own side grows more powerful. In the gun control debate, the various factions are all vying for power and attacking the other side to gain it, and as Gabrielle Giffords speculates in her editorial, the NRA and lobbyists who opposed the gun control measure could have won through the use of coercion on senators. While true motivations of individuals are difficult to accurately prove, the speculation is most likely not without some merit. However, the real point at issue here is why the moral rhetoric became so much more scathing after the issue was decided. Moral language, as discussed, is an excellent way to create an “us” versus “them” political atmosphere, and combined with the various forms of violence that can be invoked either to motivate one’s own side or to intimidate another side, there is a strong potential for social manipulation. Bureaucracies, the faceless entities who are monopolizing real political power and creating the talking points that politicians are expected to generally adhere to, are “the latest and perhaps most formidable form of … domination”58 that Arendt speculates can be held responsible for many of society’s political woes. Power in bureaucracy is without a face, so it can act facelessly, clinically, without moral sentiment or consideration of what is right. However, power can also become diluted within a bureaucracy to the point where it is weak enough to be susceptible to challenge from without. Arendt states that when power becomes so diluted, violence has a high likelihood of coming into play to challenge the power structure. Coupled with America’s tendency to respond to threats of violence by creating bigger bureaucracies, it appears that power may be nearing such a dilution point. The use of moral rhetoric creates a clear divide, where sides see themselves in a morally superior position, but one side is backed by a bureaucratic/political machine and the other side is backed by different bureaucratic/political machines. The rhetoric of violence in the form of coercion now has a chance to appear.

#### **The alternative is the no harm principle—we shouldn’t use the law to enforce morality—that makes gun control especially problematic**

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The initial point of entry into the theory surrounding the connections between law and morality is difficult to find, but can be best summarized by the question-based approach taken by H.L.A. Hart (1907- 1992) in his three part lecture on the subject of Law, Liberty, and Morality. 34 Hart begins simply enough by examining the historical and causal question: “Has the development of the law been influenced by morals?” to which he responds with an unqualified “Yes.”35 As suggested above, and as Hart confirms, there is little debate as to whether law and morals have affected each other through history, but this simple two-way causal statement is not nearly enough to understand the nuances of the relationship. However, Hart does not stop here, but rather considers a question that is very applicable to the modern debate as to what should be done in the face of gun violence: “Is the fact that certain conduct is by common standards immoral sufficient to justify making that conduct punishable by law? Is it morally permissible to enforce morality as such? Ought immorality as such to be a crime?”36 While Hart does not apply these questions to gun control, the conclusions he reaches in his analysis are a very helpful aid for the analysis of moral language and law in general. However, before answering the questions directly, the “common standard of morality” that Hart mentions warrants further examination, as it prompts the question as to who determines this ‘common standard’: the people as a whole? Religion? Or, the political majority? Essentially, would the language of the rhetoric of the party in power, who claims to directly represent and embody the mainstream moral sentiment, constitute the common standard? While it is almost certain that the party in power would desire that this question be answered affirmatively, what if power is split between two opposing worldviews? In this case neither side has the ability to definitively create policies nor new legislation, such as what has emerged from the most recent incarnation of the gun control debate after Sandy Hook. Indeed, any discussion of fundamental issues in society, especially those that involve different conceptions of the relation between law, morality, and rights, will claim to be representing a “common standard of morality,” despite the fact that the issue itself shows how ‘uncommon’ or even offensive each side views the moral claims made by their opposition. However, Hart’s analysis is useful precisely because it does not hinge on the threshold for establishing a common standard of morality, but rather it seems to suggest that it is loosely the majority of people’s moral outlook—without specifically stating that it is 36 Hart. 5. Klemash 24 endorsed by some sort of power structure outside the will of that majority of people—that constitutes the ‘common moral standard’. The first observation Hart makes in his analysis is to reference the works of John Stuart Mill (1806-1873), specifically his 1869 work On Liberty. 37 In this work Mill sets forth his ‘no harm principle’ whereby “the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.” 38 Mill then uses the ‘no harm principle’ to specify how far government power may encroach on individual liberty. While Hart does not fully embrace Mill’s views regarding the ‘no harm principle’, he argues that: “on the issue relevant to the enforcement of morality Mill seems to me to be right.”39 The application of the ‘no harm principle’ to instances of enforcing morality forms the heart of Hart’s analysis of the relationship between law and morality. Hart spends the majority of his work examining whether or not it is justifiable to enforce a morality upon society through law, and he explains that many moral concerns are not enforceable or punishable through law. In essence, Hart contends that no supporters of some common moral feeling, even if it is the overwhelmingly predominant feeling, ought to have the power to enforce that morality on the lives of individuals who have other moral stances. By applying Mill’s ‘no harm principle’ to the relationship between morality and law, Hart makes a larger point, remarking that “it is plain that the question is one about morality, but it is important to observe that it is also itself a question of morality.”40 Effectively Hart is asking the questions of whether it is morally justifiable to enforce one morality onto society as a whole as well as whether a society can enforce morality through law as a justifiable way to preserve itself. Hart answers negatively to these questions and produces several valuable insights in the process. Firstly and most obviously, the mere fact that a predominant morality would support the enforcement of its morality on society cannot mean that it is acceptable to do so, even if it was democratically decided, for supporters of a morality will predictably find it acceptable to enforce the morality they agree with onto society.41 Secondly, Hart considers briefly the second question concluding that if a society must enforce its morality through law in order to survive then perhaps the society does not deserve to survive.42 In giving this response, Hart undermines many of the arguments one finds in America today in the messages of any group that feels that their proposed moral way of life is threatened, for when those groups become the political parties in control of the government, then they may feel tempted to control society through enforcing their moral views through law. America has seen morality enforced through law throughout its history, from segregation to prohibition to treatment of homosexuals, and each of these examples has been challenged by groups of people who did not share the moral views that were imposed upon them. Finally, Hart states that it is worth noting that forces and people wishing to enforce morality are attempting to justify that enforcement at all because “where there is no prima facie objection, wrong, or evil, men do not ask for or give justifications of social practices.”43 In other words when people have to justify enforcing something, rather than explaining or demonstrating the value of the enforcement, then there is an implication that what they are enforcing is not universally accepted or agreed upon by the people on whom the morality is being imposed by law. 41 Hart., 20. 42 Ibid., 29. 43 Ibid., 20. Klemash 26 That difference between a justification and an explanation with regard to enforcing morality implies that there is an interference with an individual’s liberty of choosing to act in accordance with their private morality in public. In other words, the morality of the majority does not need to justification for the sake of the dissidents but rather for its own sake, for without justification of itself the morality could not long be the widely accepted stance. Hart states that whether it is a utilitarian morality that only forbids activities that may result in harm to others or a morality that forbids activities that may or may not be harmful to others, the simple fact that the morality supports its own enforcement is not nearly enough justification to enforce that morality because the justification circularly relies upon itself. Thus, the fact that morality and law build upon one another is not the issue Hart, and Mill, find contentious. However, if and when a small group in power attempt to enforce their morality on society through the creation of specific laws deigned to change and create a ‘common morality’, Hart and Mill emphatically object to their actions, for even as law is informed by our collective moral sentiments, a ‘common moral standard’ cannot be created by law. However, the justification given for attempting to force their moral vision regarding what is best for the American public onto said public runs headlong into the problems Hart points out. Attempting to enforce morality is a highly paternalistic endeavor according to Mill, for attempts to do so infringe upon an individual’s liberty and violates the central no harm principle.44 Hart elaborates on Mill’s point and clarifies that although Mill’s extreme anti-paternalistic view is not as applicable to the modern world; a modified version of Mill’s principles is needed to properly critique proposed enforced morality.45 In short, Hart’s modified principles would still object to using law to enforce positive morality.46 Here, there 44 Mill, On Liberty. 45 Hart, Law, Liberty, and Morality, 33. 46 Ibid.,, 33. Klemash 27 seems to be a tacit recognition that morality cannot be enforced easily on contentious issues in the modern world because of the noted lack of moral language in the laws themselves. Hence, the disconnect between the sometimes fierce moral political rhetoric and the letter of the laws that are passed could be a reflection of the difficulty of enforcing morality in a justifiable manner, and the gun control debate in the United States is an example of this difficulty.

#### The role of the ballot is to examine the rhetoric of the gun control debate—that’s a prerequisite to productive debates

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Given that the language of each side in the gun control debate mirrors the other side, several questions arise. First and foremost: is there a justification of one morality that could override the justification for the other? This question is what each side is using political rhetoric to try to answer. Each side realizes that moral language is the strongest political tool they can bring to bear in support of their own goals and the best way to undermine their opponent’s position and support. However, in the course of their attacks of each other, both sides are bringing into the dialogue ‘other societal factors’ which are implicated as potential causes for gun violence beyond the individuals committing the crimes. What are these ‘other societal factors’ and to what extent are they serving as scapegoats, appealed to by both sides of the debate to avoid responsibility for the wedge being created by their rhetoric between their supporters? Targeting ‘societal factors’ enables a level of avoidance, for it is an opportunity for politicians to distance themselves from the vitriolic criticisms of the other side. In the wake of a tragedy there is immense pressure to do something about gun violence, and as a way to avoid the moralized main topic, lawmakers try to redirect some of the focus onto other topics tangentially related to gun violence. This is worth noting, particularly because of the potential effect, and even cascading harm, such scapegoating behavior can have on the very ‘societal factors’ that are invoked as root causes of gun violence, for example, mental health issues and violent media such as Hollywood movies and video games. Examining the language of the debate offers an opportunity to better understand just how far the moral language is affecting the ability of people to have respectful and levelheaded discourse in politics and to what extent the rhetoric is used to scapegoat any issue that may have some tenuous link to the central problem. To attempt to arrive at such an understanding, it is useful to carefully consider the specific moral language that surrounds the pro- and anti- gun legislation debate itself.

### NC Shell Long (5:00)

#### The aff’s invocation of moral rhetoric to justify a handgun ban creates an us/them dichotomy—they’ve created a moral boundary between themselves and their opposition

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In addition to their moral language, the use of the word “obligation” is an extraordinarily strong language selection, for its use implies that anyone who does not feel they are obligated to act in such a way are not moral (or at least do not have the same morals as the speaker), which creates a “us” and “them” mentality in listeners.

#### **3 impacts—**

#### **First—irrational debates—This us/them mentality reduces debate to an endless exchange of vitriol—claiming a moral high ground means rhetoric replaces rational discussion**

**Klemash 13**

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The moral language of the pro-control side is best exemplified by rhetoric of the President and Vice President, even if their vow of a moral obligation to prevent even one more death from gun violence is not nearly as strong as the language used by some advocates of gun control. For example, Piers Morgan’s talk show has frequently featured interviews with people who are opposed to new gun control legislation. Mr. Morgan, clearly believing that stricter gun control is necessary, is more than willing to use his nationally televised news show to advocate for his position, whether with his own words or using the words of others. To date, he has called the gun debate a “war” and stated that the “NRA is winning the war” against the people.9 To do so he has compared the recent gun violence, particularly Sandy Hook, to the Dunblane school shooting in his native United Kingdom, as the latter resulted in the complete ban of most firearms there. Modeling that, he advocates the complete ban of assault-style “killing machines” in the United States, because he states that such weapons are not protected under the Constitution’s Second Amendment.10 While sensationalism is expected in today’s news programming, he frequently becomes highly emotional when advocating against people opposing gun control to the point where he threatened to leave the country if America would not stop “this relentless tidal wave of murderous carnage” and ban assault style military weapons as he calls them.11 Clearly, he has a very personal objection to the opponents of gun control, and he has no qualms about using the highly emotional aspect of gun control to his advantage. In his televised debates with opponents he advocates for saving as many lives as possible through banning high capacity magazines, stating that going from allowing thirty rounds to only seven would hypothetically save twenty-three lives and that this reduction is good, but that having zero gun deaths in America is the best case scenario to fight for, effectively implying that if he could achieve that goal he would do whatever it took to do so.12 Mr. Morgan’s personal stance on gun control is understandable and certainly allowable in American society. He uses very specific language to highlight what he feels are the “bad” things about America’s gun laws and vehemently argues against people who disagree with him, essentially assuming the moral high ground by implying to his audiences that opponents of gun control are at least partially morally “bad” as well. Advocates for gun control will often highlight the extreme views of the other side, but the advocates also have their radical element. Iowa state representative Dan Muhlbauer took the gun control rhetoric to a new level when he suggested that the government ought to ban and confiscate certain types of weapons.13 This type of advocacy is exactly what the far right will use to generate support from more moderate listeners, and the rhetoric between the two sides feeds off of each other until so far removed from the actual facts of the issue at hand that rhetoric is the only substance left to exchange. Extreme gun control views are not the only views out there but they are certainly the most highlighted by the right, just as the left enjoys highlighting the rights extremist’s views. Strong language and notions of what is “good” or “bad” for America are used to create not only more support for a certain side but to demonize the opposition in the eyes of a side’s supporters. The play on morality through the rhetoric that is used drowns out a chance at rational debate, and perhaps there is no better example than some of Piers Morgan’s interviews14 to illustrate just how quickly both sides of this debate can become entrenched to the point that they argue endlessly and never seem to approach the issue of what can or should be done with regard to actual gun control proposals. As a result of the ‘us’ versus ‘them’ mentality, constantly reinforced in the media, one side is reduced to simply saying ‘we want to ban/control guns more’ and the other side to ‘we want less gun control or no more gun control’ over and over again. Those are the stances that are expected in the current discourse and they make for quick, easy, and memorable sound bytes. The fact that neither side can get through to the other could be less a matter of their actual positions regarding gun violence and more an issue of their refusal to back down from their perceived moral high-ground, which ironically leads them to the low and dark corners of discourse such as each side accusing the other of behaving like Nazi Germany.

#### Second—scapegoating—moralistic rhetoric in gun control debates precludes compromise on the real issues—the only “compromise” that arises is who we choose to scapegoat, targeting people within civil society

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Over the recent months, politicians have created a web of moral rhetoric on both sides that does nothing but entrench supporters of either side in their own positions, leading to a “war” as Piers Morgan phrases it. These two sides play off of the words of the other defensively and in fear. The pro gun control advocates fear a world where violence rules, and the anti-gun control advocates fear a world where no one is armed except the government which could become tyrannical. The ultimate end-game scenario is the creation of an ‘us’ versus ‘them’ mentality in the minds of people involved with the debate. Because the debate is morally framed, to back down is to lose moral authority and power that comes with it, so neither side is seeking compromise. Rather, most action on gun control is targeted at periphery issues that both sides can more easily approach such as mental health or video games because they are seen as an opportunity to avoid the language of morals around gun control. In doing so, they essentially target populations within civil society, violating the no harm principle of traditional jurisprudence, which is a crucial part of the balance between rights and obligations. The video game and mentally ill segments of civil society are far larger than the number of people lawmakers should be targeting with gun control legislation, so the choices in scapegoats has the potential to harm far larger segments of the population that have little to do with the core issue and intent of gun control.

#### Third—bureaucracy—politicians in gun debates use moral rhetoric as a power grab—this strengthens bureaucracy which produces the worst forms of domination

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As the fluctuation of government approval ratings shows, the trust relationship is not always strong, but when talking about morally contentious issues, the leaders have to present shortened talking points on complicated issues to the public. The laws they are proposing are devoid of moral statements and filled with technical legal jargon, so the practical reason for using the moral political rhetoric is that it is a quick way to present an issue to the public so that they can understand it. The moral language provides the politicians with a way to slant their speech to their target audience so that not only are they creating an “us” versus “them” mentality among debaters but also among the general supporters on both sides. The goal underlying this strategy is that people will agree with a moral side and therefore be less inclined to agree with the side they see as immoral or wrong because they have been given a very simple way to look at an issue as having a “good” side and a “bad” side. If the moral language of political rhetoric was purely a tool to increase support, then it would be indicative of the system that produced it. Additionally, it would then seem that moral language is being used in political rhetoric as a kind of power over the followers. Power relations being a fixture in politics, this idea is not unfathomable. Here the theories of Hannah Arendt (1906-1975) become very relevant to the framework being used to examine moral language in politics. If, despite a history of intertwining of law and morality, there is now an evident and recognized (if only tacitly) divide between the moral political rhetoric employed to bolster support for legislation and the language of law lacking morals, then why continue to use the power of moral language to sway the populace? Why are government officials, talking heads, and other leaders creating the “us” versus “them” mentality in followers, inciting in some instances extreme distaste for the other side in the process? What is at stake for the leaders, the government, that the language of morals is still necessary in political rhetoric? To find an answer to these questions, Arendt’s On Violence provides a necessary link between the language and a potential motivation for using that language.47 Arendt’s work examines the relationship between power and violence, critically examining the role that bureaucracies play regarding both. The critical light which she shines on bureaucratic structures is quite easily applied to the current American political system. Arendt opposes large bureaucracy for the simple reason that she sees it as “the form of government in which everybody is deprived of political freedom, of the power to act; for the rule by Nobody is not no-rule, and where all are equally powerless we have a tyranny without a tyrant.”48 Bureaucracies like the ones employed under the Democrats and Republicans and numerous other interest groups and governmental organizations all are faceless creators of policy that rules the day-to-day lives of citizens. These huge bureaucratic machines have succeeded in overruling the voices of the citizens and the larger a bureaucracy becomes, according to Arendt, the greater chances there will be violence against its control. Government responds to such violence by growing bigger and bigger.49 In the US, centralization of power around the faceless party bureaucracies and their diametrically opposed party lines in relation to contentious issues has caused a monopolization of political power within these bureaucracies. For Arendt, such centralized administrative governance so withdrawn from the personal relationships between the leaders and the followers is a Petri dish for cultivating violence.50 Violence here does not mean gun violence, but it rather indicates for Arendt a more general specter of violent action against the bureaucratic power. As political power is monopolized by the bureaucracies, authentic political sources are removed and power ceases to have a grip on the political system, making it more likely that a violent reaction will occur, either to hold onto the power that remains or to replace it. In addition to a scathing rebuke of bureaucracy as the reason for why government devolves and why violence is likely to occur (this paper shall not go too deeply into this latter claim other than to state that violence is implied in any power relationship), Arendt describes the difference between violence and power and the interplay they can have with each other. Power is basically described as “’qualified’ or ‘institutionalized force’… a kind of mitigated violence”51 which is “the essence of all government … an end in itself” 52 while violence is “by nature instrumental; like all means, it always stands in need of guidance and justification 48 Arendt, 81. 49 Ibid., 85. 50 Ibid., 85. 51 Ibid., 38. 52 Ibid., 51. Klemash 30 through the end it pursues.”53 The relationship between the two is that of opposites, and additionally neither can exist where the other is absolutely present. Finally, violence can destroy power but cannot create it.54 Arendt is attempting to flesh out the motivations people and bureaucracies have for gaining and opposing power. The desire for increased power is a driving force of politics, and Arendt states that there is a devolution evident wherever power structures have become larger and larger. The devolution comes in the form of violence against the power structures, and such violence is often accompanied by powerful rhetoric, with one side labeling another side “anarchists, nihilists, red fascists, Nazis, … Luddite machine smashers, … police state, or latent fascism of late capitalism, and … consumer society.”55 Some of these labels Arendt gathers from the time of her writing are still in use today in political rhetoric along with new designators to demonize the “other” side. For example, President Obama has been called a socialist, Muslim, and a tyrant among other things by his most extreme opponents while the political left has been all too happy to use language of its own such as saying that generally gun owners are out of touch southerners, hillbillies, or scared isolated anti-government radicals, to demonize their opponents. This critical language on both sides fires up the emotions of those who feel marginalized, that is, those who feel like they are so far away from the centralized power structure where they feel they deserve a voice. Far right or left extremists may not find traction regardless of how loudly they shout, but the rhetoric that is thrown at the other side can still have an impact. Rhetoric used in the middle, where true political power does reside in bureaucracies, is much more worthy of attention. 53 Arendt. 51 54 Ibid., 56. 55 Ibid 15 Klemash 31 The rhetoric of the middle segment of the populace between the radical fringes, while containing less wild accusations, is still quite potent and inciting toward the followers of the parties. However, radical speech even containing hints of violent action, whether the violence is physical, punitive, or violence through deprivation, can be a strong political motivator. “Violence has remained mostly a matter of theory and rhetoric where the clash between generations did not coincide with a clash of tangible group interests.”56 While Arendt writes on the student rebellions of her time, the fact that violent rhetoric still exists today is evident in the language surrounding the gun control debate with opponents in particular fearing that there will be a seizure of their guns that will inevitably lead to violence. For example, the Kentucky sheriff who feels the moral obligation to oppose gun control measures says in his statement that he doesn’t want “a bloodbath in our community when they come in to take guns”57 where the ‘they’ is a reference to the faceless government agents who are part of the bureaucracy that would be sent to do the gun control advocates’ bidding. The fact that these fears exist despite there being no confiscation bill on the floor of Congress shows the power that the mere threat of violence can have over the minds of people. Violence in rhetoric can be a strong motivator and tool to use to instill fear. It can instill fear in one’s own side that their way of life is going to be threatened by the other, and it can instill fear in the other side that they are about to be overrun and acted violently against. While no politicians are making explicit physical threats against each other or against the populace supporting the other side, violence in power relations has many forms not just a physical manifestation. There are, of course, the traditional political tools of coercion: threatening funding for various projects or causes; threatening a candidate’s election prospects; threatening to vote for or against certain bills unless, etc. These threats 56 and actions are all forms of coercion, violence, conducted by one side against another, whether it is the two party machines against each other, two interests groups in opposition, or other groups against each other. Violence, as Arendt says, is used to destroy power, to undermine it so that by weakening the opposition one’s own side grows more powerful. In the gun control debate, the various factions are all vying for power and attacking the other side to gain it, and as Gabrielle Giffords speculates in her editorial, the NRA and lobbyists who opposed the gun control measure could have won through the use of coercion on senators. While true motivations of individuals are difficult to accurately prove, the speculation is most likely not without some merit. However, the real point at issue here is why the moral rhetoric became so much more scathing after the issue was decided. Moral language, as discussed, is an excellent way to create an “us” versus “them” political atmosphere, and combined with the various forms of violence that can be invoked either to motivate one’s own side or to intimidate another side, there is a strong potential for social manipulation. Bureaucracies, the faceless entities who are monopolizing real political power and creating the talking points that politicians are expected to generally adhere to, are “the latest and perhaps most formidable form of … domination”58 that Arendt speculates can be held responsible for many of society’s political woes. Power in bureaucracy is without a face, so it can act facelessly, clinically, without moral sentiment or consideration of what is right. However, power can also become diluted within a bureaucracy to the point where it is weak enough to be susceptible to challenge from without. Arendt states that when power becomes so diluted, violence has a high likelihood of coming into play to challenge the power structure. Coupled with America’s tendency to respond to threats of violence by creating bigger bureaucracies, it appears that power may be nearing such a dilution point. The use of moral rhetoric creates a clear divide, where sides see themselves in a morally superior position, but one side is backed by a bureaucratic/political machine and the other side is backed by different bureaucratic/political machines. The rhetoric of violence in the form of coercion now has a chance to appear.

#### **The alternative is the no harm principle—we shouldn’t use the law to enforce morality—that makes gun control especially problematic**

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The initial point of entry into the theory surrounding the connections between law and morality is difficult to find, but can be best summarized by the question-based approach taken by H.L.A. Hart (1907- 1992) in his three part lecture on the subject of Law, Liberty, and Morality. 34 Hart begins simply enough by examining the historical and causal question: “Has the development of the law been influenced by morals?” to which he responds with an unqualified “Yes.”35 As suggested above, and as Hart confirms, there is little debate as to whether law and morals have affected each other through history, but this simple two-way causal statement is not nearly enough to understand the nuances of the relationship. However, Hart does not stop here, but rather considers a question that is very applicable to the modern debate as to what should be done in the face of gun violence: “Is the fact that certain conduct is by common standards immoral sufficient to justify making that conduct punishable by law? Is it morally permissible to enforce morality as such? Ought immorality as such to be a crime?”36 While Hart does not apply these questions to gun control, the conclusions he reaches in his analysis are a very helpful aid for the analysis of moral language and law in general. However, before answering the questions directly, the “common standard of morality” that Hart mentions warrants further examination, as it prompts the question as to who determines this ‘common standard’: the people as a whole? Religion? Or, the political majority? Essentially, would the language of the rhetoric of the party in power, who claims to directly represent and embody the mainstream moral sentiment, constitute the common standard? While it is almost certain that the party in power would desire that this question be answered affirmatively, what if power is split between two opposing worldviews? In this case neither side has the ability to definitively create policies nor new legislation, such as what has emerged from the most recent incarnation of the gun control debate after Sandy Hook. Indeed, any discussion of fundamental issues in society, especially those that involve different conceptions of the relation between law, morality, and rights, will claim to be representing a “common standard of morality,” despite the fact that the issue itself shows how ‘uncommon’ or even offensive each side views the moral claims made by their opposition. However, Hart’s analysis is useful precisely because it does not hinge on the threshold for establishing a common standard of morality, but rather it seems to suggest that it is loosely the majority of people’s moral outlook—without specifically stating that it is 36 Hart. 5. Klemash 24 endorsed by some sort of power structure outside the will of that majority of people—that constitutes the ‘common moral standard’. The first observation Hart makes in his analysis is to reference the works of John Stuart Mill (1806-1873), specifically his 1869 work On Liberty. 37 In this work Mill sets forth his ‘no harm principle’ whereby “the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.” 38 Mill then uses the ‘no harm principle’ to specify how far government power may encroach on individual liberty. While Hart does not fully embrace Mill’s views regarding the ‘no harm principle’, he argues that: “on the issue relevant to the enforcement of morality Mill seems to me to be right.”39 The application of the ‘no harm principle’ to instances of enforcing morality forms the heart of Hart’s analysis of the relationship between law and morality. Hart spends the majority of his work examining whether or not it is justifiable to enforce a morality upon society through law, and he explains that many moral concerns are not enforceable or punishable through law. In essence, Hart contends that no supporters of some common moral feeling, even if it is the overwhelmingly predominant feeling, ought to have the power to enforce that morality on the lives of individuals who have other moral stances. By applying Mill’s ‘no harm principle’ to the relationship between morality and law, Hart makes a larger point, remarking that “it is plain that the question is one about morality, but it is important to observe that it is also itself a question of morality.”40 Effectively Hart is asking the questions of whether it is morally justifiable to enforce one morality onto society as a whole as well as whether a society can enforce morality through law as a justifiable way to preserve itself. Hart answers negatively to these questions and produces several valuable insights in the process. Firstly and most obviously, the mere fact that a predominant morality would support the enforcement of its morality on society cannot mean that it is acceptable to do so, even if it was democratically decided, for supporters of a morality will predictably find it acceptable to enforce the morality they agree with onto society.41 Secondly, Hart considers briefly the second question concluding that if a society must enforce its morality through law in order to survive then perhaps the society does not deserve to survive.42 In giving this response, Hart undermines many of the arguments one finds in America today in the messages of any group that feels that their proposed moral way of life is threatened, for when those groups become the political parties in control of the government, then they may feel tempted to control society through enforcing their moral views through law. America has seen morality enforced through law throughout its history, from segregation to prohibition to treatment of homosexuals, and each of these examples has been challenged by groups of people who did not share the moral views that were imposed upon them. Finally, Hart states that it is worth noting that forces and people wishing to enforce morality are attempting to justify that enforcement at all because “where there is no prima facie objection, wrong, or evil, men do not ask for or give justifications of social practices.”43 In other words when people have to justify enforcing something, rather than explaining or demonstrating the value of the enforcement, then there is an implication that what they are enforcing is not universally accepted or agreed upon by the people on whom the morality is being imposed by law. 41 Hart., 20. 42 Ibid., 29. 43 Ibid., 20. Klemash 26 That difference between a justification and an explanation with regard to enforcing morality implies that there is an interference with an individual’s liberty of choosing to act in accordance with their private morality in public. In other words, the morality of the majority does not need to justification for the sake of the dissidents but rather for its own sake, for without justification of itself the morality could not long be the widely accepted stance. Hart states that whether it is a utilitarian morality that only forbids activities that may result in harm to others or a morality that forbids activities that may or may not be harmful to others, the simple fact that the morality supports its own enforcement is not nearly enough justification to enforce that morality because the justification circularly relies upon itself. Thus, the fact that morality and law build upon one another is not the issue Hart, and Mill, find contentious. However, if and when a small group in power attempt to enforce their morality on society through the creation of specific laws deigned to change and create a ‘common morality’, Hart and Mill emphatically object to their actions, for even as law is informed by our collective moral sentiments, a ‘common moral standard’ cannot be created by law. However, the justification given for attempting to force their moral vision regarding what is best for the American public onto said public runs headlong into the problems Hart points out. Attempting to enforce morality is a highly paternalistic endeavor according to Mill, for attempts to do so infringe upon an individual’s liberty and violates the central no harm principle.44 Hart elaborates on Mill’s point and clarifies that although Mill’s extreme anti-paternalistic view is not as applicable to the modern world; a modified version of Mill’s principles is needed to properly critique proposed enforced morality.45 In short, Hart’s modified principles would still object to using law to enforce positive morality.46 Here, there 44 Mill, On Liberty. 45 Hart, Law, Liberty, and Morality, 33. 46 Ibid.,, 33. Klemash 27 seems to be a tacit recognition that morality cannot be enforced easily on contentious issues in the modern world because of the noted lack of moral language in the laws themselves. Hence, the disconnect between the sometimes fierce moral political rhetoric and the letter of the laws that are passed could be a reflection of the difficulty of enforcing morality in a justifiable manner, and the gun control debate in the United States is an example of this difficulty.

#### Only the alternative can save this debate from being hijacked by morality—the no harm principle enables us to effectively analyze the power relationships that moralism creates

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The effect of morality on debate, therefore, is that it is increasingly divisive. All of the examples from the case of the recent debate over increased gun control center not on who has the most logical, rational, or convincing arguments, but rather both sides spend time talking about how their point of view, their side, is right and by implication how the other side is wrong. This basic moral view of issues is not reflected in the language of the law where one can find no mention of morality or what is right or wrong for society to do but rather finds plain lists of weapon types and styles. The debate has been hijacked by a language of morality to create a dichotomy for purposes of politics through fiery political rhetoric and has lost the connection to logic in favor of a “war” between moral stances. The end to debate begins as soon as the first moral “us” versus “them” distinction is created, for from that point onwards both sides must assume they have the moral high ground and will be defensively reacting to each other instead of acting with each other. What was seen during the press conference announcing the result of the Vice President’s month-long commission to devise a response to the Sandy Hook shooting was not a solution to a problem but rather the creation of an insurmountable problem between the proand anti- gun control camps. From the moral language used in the speeches to the President’s signing of the executive orders while flanked by small children for the cameras, the message was clear: we have the moral high ground on our side, how can one not agree with us? It is not unreasonable for the opponents of gun control legislation to react with moral language of their own as the Kentucky sheriff did, even copying the President’s use of “moral obligation” in his remarks. Moral political rhetoric is toxic to constructive political debate the moment it enters, and it is used far too freely. Without always realizing what the consequences will be, politicians and others are using moral language to discuss political topics and expecting their opposition to be easily convinced or defeated. That they are surprised and outraged that the other side fights back shows that perhaps this toxicity is not evident to most. The place of morality in law is undisputed historically, as the very language of rights reveals, but the letter of most law is absent any language of rights or morality. Despite this absence, the political rhetoric that supports or opposes contentious law is almost always filled with moral rhetoric. One could speculate that this is because whoever invokes morality cheats, in the sense that once morality enters the debate, the debate has little chance of returning to the nuts and bolts level of the issue at hand on a logical or rational level and instead becomes a war where neither side can gain ground. Perhaps politicians realize the implications of morality in law, that when they use it they are aware that they are trapped into their position. If they do realize this, then they undermine their morality by claiming moral superiority. By attempting to justify morality from within that morality, they fail to provide adequate reason violating the no harm principle as applied to political discourse, for they are invoking morality simply to create the dichotomy. When morality is used in this way, its use can undermine its own moral authority even as it claims that moral authority because it is trying to enforce its validity rather than recognizing or even attempting to compromise. The no harm principle applied to moral rhetoric in debate provides a way to analyze the power relationships at play with competing moral visions without allowing the debate to immediately descend into moral deadlock where the only compromise is found in marginally related issues, for focus on these issues could in fact cause more harm than good to society when vast segments of the population are harmed through legislation for the sake of stopping a few members of society connected with those segments. Civil society should not be the victim of harm caused by moral deadlock in political debate, which has come to be the rule rather than the exception over the last decade.

#### The role of the ballot is to examine the rhetoric of the gun control debate—that’s a prerequisite to productive debates

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Given that the language of each side in the gun control debate mirrors the other side, several questions arise. First and foremost: is there a justification of one morality that could override the justification for the other? This question is what each side is using political rhetoric to try to answer. Each side realizes that moral language is the strongest political tool they can bring to bear in support of their own goals and the best way to undermine their opponent’s position and support. However, in the course of their attacks of each other, both sides are bringing into the dialogue ‘other societal factors’ which are implicated as potential causes for gun violence beyond the individuals committing the crimes. What are these ‘other societal factors’ and to what extent are they serving as scapegoats, appealed to by both sides of the debate to avoid responsibility for the wedge being created by their rhetoric between their supporters? Targeting ‘societal factors’ enables a level of avoidance, for it is an opportunity for politicians to distance themselves from the vitriolic criticisms of the other side. In the wake of a tragedy there is immense pressure to do something about gun violence, and as a way to avoid the moralized main topic, lawmakers try to redirect some of the focus onto other topics tangentially related to gun violence. This is worth noting, particularly because of the potential effect, and even cascading harm, such scapegoating behavior can have on the very ‘societal factors’ that are invoked as root causes of gun violence, for example, mental health issues and violent media such as Hollywood movies and video games. Examining the language of the debate offers an opportunity to better understand just how far the moral language is affecting the ability of people to have respectful and levelheaded discourse in politics and to what extent the rhetoric is used to scapegoat any issue that may have some tenuous link to the central problem. To attempt to arrive at such an understanding, it is useful to carefully consider the specific moral language that surrounds the pro- and anti- gun legislation debate itself.

## 2NR

### Overview (Short)

#### **The aff’s moralistic discourse on guns creates an us/them dichotomy—that causes irrational debates, scapegoating of certain populations, and oppression by bureaucracy—the alternative is the no harm principle—we shouldn’t legislate morality, so a handgun ban should be rejected—that’s Klemash**

#### The role of the ballot is to examine the rhetoric of gun control debates—this is a prerequisite to meaningful solutions since how we discuss the issue affects how we respond to it—that’s Klemash

#### K turns the case—scapegoating and bureaucracy undermine the rights/freedoms the aff says are key—productive debates are an external impact that outweighs because debate’s a training ground for us to advocate out-of-round solutions

### Overview (Long)

#### The aff is like Joe Biden saying we have a “moral obligation” to control guns—this moralistic rhetoric creates an us/them dichotomy where debaters seek moral high ground to demonize their opponents—there are 3 impacts to this discourse—

#### **First—irrational debates—moralistic rhetoric enables the far right and far left to talk past each other—the Klemash evidence gives the example of Piers Morgan on CNN ranting about guns—the aff uses similar rhetoric which makes sound bites the norm**

#### Second—scapegoating—an us/them mentality precludes compromise on the issues that matter—since people don’t want to give up their moral high ground, they only compromise on claims like “the mentally ill should not have guns”, which results in stigmatizing certain populations in civil society

#### And third—bureaucracy—politicians monopolize their power by invoking violent, moralistic rhetoric to captivate their followers—this strengthens bureaucratic control which leads to the worst forms of domination—it also turns the case because bureaucracies are cold and clinical, acting without moral restraint

#### The alternative is the no harm principle—the aff thinks we should legislate morality, creating a mindset which results in the impacts above—only the alt can save debate from being hijacked by moralism—that’s Klemash

#### The role of the ballot is to examine the rhetoric of gun control debates—this is a prerequisite to meaningful solutions since how we discuss the issue affects how we respond to it—that’s Klemash

#### K turns the case—scapegoating and bureaucracy undermine the rights/freedoms the aff says are key—productive debates are an external impact that outweighs because debate’s a training ground for us to advocate out-of-round solutions

### AT Perm

#### The perm’s illegit, and all the links are DAs—

#### 1. A handgun ban is incompatible with the no harm principle—the aff is enforcing morality through the law, which is exactly what the alt rejects—that’s Klemash

#### 2. All of my evidence is specific to gun control and the rhetoric surrounding it—be skeptical that the aff is compatible with the alt when they don’t even have a perm card

#### 3. The AC itself invoked moral rhetoric to justify a handgun ban—that creates an us/them dichotomy which kills productive debate, leads to scapegoating, and strengthens bureaucracy—that’s Klemash

#### Even if a handgun ban could theoretically occur with the alt, they should be held responsible for their rhetoric—otherwise the perm severs from their discourse

#### Severance makes neg strat impossible because they can shift from my offense—fairness is a voter since it’s a gateway issue to deciding the better debater—drop the debater to deter abuse and set a precedent

### AT Ban k2 No Harm Principle

#### 1. Crucial difference between justification and demonstration—if they have to justify a handgun ban, rather than simply demonstrate its efficacy, that proves that banning handguns is an unjustified form of paternalism—that’s Klemash

#### 2. All of my evidence on case proves that they don’t stop people from harming others

#### 3. They should have defended the no harm principle in the AC instead of invoking moralistic rhetoric—my role of the ballot proves that language, not the action of the aff, should come first

#### 4. Only the alternative alone can save this debate from being hijacked by morality—the no harm principle enables us to effectively analyze the power relationships that moralism creates

**Klemash 13**

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The effect of morality on debate, therefore, is that it is increasingly divisive. All of the examples from the case of the recent debate over increased gun control center not on who has the most logical, rational, or convincing arguments, but rather both sides spend time talking about how their point of view, their side, is right and by implication how the other side is wrong. This basic moral view of issues is not reflected in the language of the law where one can find no mention of morality or what is right or wrong for society to do but rather finds plain lists of weapon types and styles. The debate has been hijacked by a language of morality to create a dichotomy for purposes of politics through fiery political rhetoric and has lost the connection to logic in favor of a “war” between moral stances. The end to debate begins as soon as the first moral “us” versus “them” distinction is created, for from that point onwards both sides must assume they have the moral high ground and will be defensively reacting to each other instead of acting with each other. What was seen during the press conference announcing the result of the Vice President’s month-long commission to devise a response to the Sandy Hook shooting was not a solution to a problem but rather the creation of an insurmountable problem between the proand anti- gun control camps. From the moral language used in the speeches to the President’s signing of the executive orders while flanked by small children for the cameras, the message was clear: we have the moral high ground on our side, how can one not agree with us? It is not unreasonable for the opponents of gun control legislation to react with moral language of their own as the Kentucky sheriff did, even copying the President’s use of “moral obligation” in his remarks. Moral political rhetoric is toxic to constructive political debate the moment it enters, and it is used far too freely. Without always realizing what the consequences will be, politicians and others are using moral language to discuss political topics and expecting their opposition to be easily convinced or defeated. That they are surprised and outraged that the other side fights back shows that perhaps this toxicity is not evident to most. The place of morality in law is undisputed historically, as the very language of rights reveals, but the letter of most law is absent any language of rights or morality. Despite this absence, the political rhetoric that supports or opposes contentious law is almost always filled with moral rhetoric. One could speculate that this is because whoever invokes morality cheats, in the sense that once morality enters the debate, the debate has little chance of returning to the nuts and bolts level of the issue at hand on a logical or rational level and instead becomes a war where neither side can gain ground. Perhaps politicians realize the implications of morality in law, that when they use it they are aware that they are trapped into their position. If they do realize this, then they undermine their morality by claiming moral superiority. By attempting to justify morality from within that morality, they fail to provide adequate reason violating the no harm principle as applied to political discourse, for they are invoking morality simply to create the dichotomy. When morality is used in this way, its use can undermine its own moral authority even as it claims that moral authority because it is trying to enforce its validity rather than recognizing or even attempting to compromise. The no harm principle applied to moral rhetoric in debate provides a way to analyze the power relationships at play with competing moral visions without allowing the debate to immediately descend into moral deadlock where the only compromise is found in marginally related issues, for focus on these issues could in fact cause more harm than good to society when vast segments of the population are harmed through legislation for the sake of stopping a few members of society connected with those segments. Civil society should not be the victim of harm caused by moral deadlock in political debate, which has come to be the rule rather than the exception over the last decade.

### AT Guns Are Serious Issue

#### Yes, but their moralistic rhetoric is part of the problem—it encourages self-righteousness over compromise, and scapegoating over productive solutions! That’s Klemash yet again

### AT Morality Good

#### Justifying morality’s enforcement from the perspective of morality is self-undermining

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### Ext: Scapegoating Impact

#### Divisive moral rhetoric on gun control leads to scapegoating

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Conclusion: To Invoke Morality is to Cheat81 The examination of the dialogue between the proponents and opponents of the gun legislation and policy reform that was proposed as a result of the tragedy of the Sandy Hook school shooting and the recent spate of high-profile mass-shootings in general reveals that not only is there a strong moral language used by both sides, but that each side sees itself as possessing the moral high ground while also fearing the other side’s intentions. Whether it is the political left or right or either side’s fringe elements who demand even more radical solutions to the problem, the rhetoric is centered on moral concerns and is ever-escalating in intensity, sometimes into the realm of the absurd. The moral element of the rhetoric creates an “us” versus “them” adversarial relationship between the sides, but because the basis of the rhetoric is moral neither side can give ground for fear of losing their self-assumed moral superiority. The proponents of increased gun control measures speak of the need for more security for any individuals that they can protect, and they believe they have a moral obligation to provide that protection if they can. They see the horror of mass shootings and consider it necessary to enter into a state of exception whereby the people must surrender the rights the currently enjoy to own certain types of firearms for the greater protection of society. They position themselves in the power relationship against the potential violence of heavily armed rogue operators, and they expect the citizenry to see and accept this view as “good” for society. They fear the needless death and carnage that could be caused by maintaining such a broad right to bear arms, and they believe their moral concerns for everyone’s security outweigh the personal liberties of people. In contrast, the opponents of increased gun control fear the faceless government bureaucracy depriving them of what they see as a personal right. They view guns as a power relationship too, but they see guns as a bulwark against tyranny. The threat of losing some of that right is enough to bring visions of future encroachments of the right to bear arms or even other personal liberties, and the slippery slope adds to their fear. This side of the debate also claims the moral high ground through the language of rights, for rights are good and therefore depriving them of that good is bad. Security concerns are not nearly enough to justify a state of exception where their rights may be infringed upon and the other side may justify asserting and enforcing its morality over them. To the end of finding some sort of compromise in the face of the unwinnable political morass of clashing morality, of producing some legislation that can actually pass Congress, of seeking a middle ground, the two sides actually go outside the realm of the debate to scapegoat outside influences. They drag in issues such as mental health and violent video games as sacrifices to appease the calls for action by everyone without actually addressing the moral arguments they are hurling back and forth. By scapegoating these issues, there is an attempt to compromise without compromise, whereby no one side has to lose moral ground yet legislation may be produced that appears to deal with the core issue. Scapegoating in this way is met with varying degrees of success, but it is a common tactic whenever common ground is scarce yet the demand for action is high. It is important to realize that these techniques of avoiding the central issue through scapegoats and of creating increasingly vitriolic moral rhetoric to attack the other side and support their own are not unique to the gun control debate but are increasingly common in other contentious debates that divide the nation’s moral sentiment. Politicians and other prolific supporters of one side of any difficult issue connected to morality seem more and more inclined to drift quickly away from the core issue and into moral rhetoric because it has the most effect, both on the supporters and the detractors, in terms of drawing attention to the issue.